

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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August 2, 2007

Rita Ray, Executive Director
West Virginia Educational Broadcasting Authority
600 Capitol Street
Charleston, West Virginia 25301

Re: WVEP (FM), Martinsburg, West Virginia
Facility Identification Number: 70643
West Virginia Educational Broadcasting Authority
Special Temporary Authority
Hybrid IBOC Digital Operation

Dear Ms. Ray:

This is in reference to the request filed July 18, 2007, on behalf of West Virginia Educational Broadcasting Authority ("WVEBA"). WVEBA requests special temporary authority ("STA") to operate Station WVEP with a hybrid digital signal,¹ pursuant to the *First Report and Order* in MM Docket No. 99-325 ("*Report and Order*").² WVEBA proposes operation with separate analog and digital antennas, pursuant to the Public Notice issued March 17, 2004 ("*Public Notice*").³ For reasons which are discussed below, the request is denied.

Our review indicates that the proposed operation fails to comply with the requirements of the Public Notice. In particular, the licensed main antenna is horizontally polarized, while the proposed digital antenna is circularly polarized. Thus, in effect, to a vertically polarized receiving antenna such as most vertical-whip automobile antennas, Station WVEP would be transmitting a digital-only signal, a mode of operation not authorized by the Commission at this time.

¹ WVEP is licensed for analog operation on Channel 205B (88.9 MHz) with effective radiated power of 3.6 kilowatts (H only) and antenna height above average terrain of 495 meters.

² *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service*, MM Docket No. 99-325, *First Report and Order*, (October 11, 2002).

³ *Public Notice*, "Use of Separate Antennas to Initiate Digital FM Transmissions Approved", MM Docket No. 99-325, DA 04-712 (October 17, 2004).

Accordingly, the request for STA IS HEREBY DENIED. This action is without prejudice to a future request which complies with the requirements of the *Public Notice* and the Commission's technical rules and STA policies.

Sincerely,

A handwritten signature in black ink, appearing to read "C. N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: West Virginia Educational Broadcasting Authority